

Adopted	Rejected
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COMMITTEE REPORT

YES:	20
NO:	5

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, delete lines 1 through 5, begin a new paragraph and insert:
 2 "SECTION 1. IC 4-15-2-35 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 35. (a) Any regular
 4 employee may file a complaint if his status of employment is
 5 involuntarily changed or if he deems conditions of employment to be
 6 unsatisfactory. However, the complaint procedure shall be initiated as
 7 soon as possible after the occurrence of the act or condition complained
 8 of and in no event shall be initiated more than thirty (30) calendar days
 9 after the employee is notified of a change in his status of employment
 10 or after an unsatisfactory condition of employment is created. Failure
 11 to initiate the complaint procedure within such time period shall render
 12 the complaint procedure unavailable to the employee. The following
 13 complaint procedure shall be followed:
 14 Step I: The complaint procedure shall be initiated by a discussion

1 of the complaint by the employee and his immediate supervisor
2 and, if a mutually satisfactory settlement has not been made
3 within two (2) consecutive working days, such complaint may be
4 referred to Step II.

5 Step II: The complaint shall be reduced to writing and presented
6 to the intermediate supervisor. If a mutually satisfactory
7 settlement has not been reached within four (4) consecutive
8 working days, such complaint may then be referred to the
9 Appointing Authority.

10 Step III: The Appointing Authority or his designated
11 representative shall hold such hearings and conduct such
12 investigations as he deems necessary to render a decision and
13 shall make such decision in writing within ten (10) consecutive
14 working days.

15 (b) Should the appointing authority or his designated representative
16 not find in favor of the employee, the complaint may be submitted
17 within fifteen (15) calendar days to the state personnel director. The
18 director or his designee shall review the complaint and render a
19 decision within fifteen (15) calendar days. If the decision is not
20 agreeable to the employee, an appeal may be submitted by the
21 employee in writing to the commission no later than fifteen (15)
22 calendar days from the date the employee has been given notice of the
23 action taken by the personnel director or his designee. After submission
24 of the appeal, the commission shall, prior to rendering its decision,
25 grant the appealing employee and the appointing authority a public
26 hearing, with the right to be represented and to present evidence. With
27 respect to all appeals, the commission shall render its decision within
28 thirty (30) days after the date of the hearing on the appeal. If the
29 commission finds that the action against the employee was taken on the
30 basis of politics, religion, sex, age, race or because of membership in
31 an employee organization, the employee shall be reinstated to his
32 position without loss of pay. In all other cases the appointing authority
33 shall follow the recommendation of the commission which may include
34 reinstatement and payment of salary or wages lost by the employee
35 which may be mitigated by any wages the employee earned from other
36 employment during a dismissed or suspended period.

37 (c) If the recommendation of the commission is not agreeable to the
38 employee, the employee, within fifteen (15) calendar days from receipt

of the commission recommendation, may elect to submit the complaint to arbitration. The cost of arbitration shall be shared equally by the employee and the state of Indiana. The commissioner of labor shall prepare a list of three (3) impartial individuals trained in labor relations, and from this list each party shall strike one (1) name. The remaining arbitrator shall consider the issues which were presented to the commission and shall afford the parties a public hearing with the right to be represented and to present evidence. The arbitrator's findings and recommendations shall be binding on both parties and shall immediately be instituted by the commission."

Page 1, line 6, delete "Sec. 1. This chapter applies" and insert "(d) **Subsections (e) through (k) apply**".

Page 1, line 14, delete "Sec. 2. (a)" and insert "(e)".

Page 1, line 15, delete "IC 4-15-2-35," and insert "**subsections (a) through (c)**".

Page 1, line 15, delete "this chapter" and insert "**subsections (f) through (k)**".

Page 1, line 16, delete "section 1 of this chapter." and insert "**subsection (d)**".

Page 1, line 17, delete "(b)" and insert "(f)".

Page 2, line 36, after "(8)." insert "**In the alternative, the teacher may submit the grievance directly to arbitration as described in subdivision (11)**".

Page 3, line 7, after "subdivision" insert "(9) or".

Page 3, line 10, delete "(c)" and insert "(g)".

Page 3, line 11, delete "(b)(11)" and insert "(f)(9) or (f)(11)".

Page 3, line 18, delete "(d)" and insert "(h)".

Page 3, line 18, delete "this chapter" and insert "**subsections (f) through (k)**".

Page 3, line 21, delete "(e)" and insert "(i)".

Page 3, line 22, delete "(b)," and insert "(f),".

Page 3, line 24, delete "(f)" and insert "(j)".

Page 3, line 24, delete "this chapter" and insert "**subsections (f) through (k)**".

Page 3, line 25, delete "to represent the teacher in the grievance" and insert "**from inside or outside the institution to represent the teacher in subdivisions (5) through (12) of the grievance procedure under subsections (f) through (k)**".

- 1 Page 3, delete line 26.
 - 2 Page 3, line 27, delete "(g)" and insert "**(k)**".
 - 3 Page 3, delete lines 29 through 42.
 - 4 Page 4, delete lines 1 through 21.
 - 5 Page 8, line 1, delete "twenty (20)" and insert "**fifteen (15)**".
 - 6 Page 8, delete lines 6 through 42.
 - 7 Delete pages 9 through 10.
 - 8 Renumber all SECTIONS consecutively.
- (Reference is to HB 1126 as printed February 14, 2003.)

and when so amended that said bill do pass.

Representative Crawford